

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SUNOCO PARTNERS MARKETING &
TERMINALS L.P.,

Plaintiff,

v.

POWDER SPRINGS LOGISTICS, LLC, and
MAGELLAN MIDSTREAM PARTNERS,
L.P.,

Defendants.

Civil Action No. 17-1390-RGA

MEMORANDUM

Plaintiff seeks a permanent injunction until April 5, 2022, to prevent automated blending at Powder Springs. (D.I. 763). The motion has been fully briefed. (D.I. 764, 782, 785).

Given the usual backlog of cases and motions in this District, it is regrettable that the parties could not resolve this without me. This is particularly so because Defendants seem to have stopped the infringing conduct after the adverse verdict. (D.I. 782-2 (Hitz Decl.)). Defendants do not object to the form of Plaintiff's proposed permanent injunction. Plaintiff does not argue that what Defendants say they will do is insufficient to avoid infringement. Thus, I conclude that Defendants have stated that they will abide by what Plaintiff seems to concede is all that is required to avoid infringement.

I will separately enter a modification of the proposed permanent injunction, without making any of the findings required for a permanent injunction, recognizing that at this time it is essentially a "maintain the status quo" order. I see no prejudice to either side in doing so, and it puts the Court's imprimatur on Plaintiff's request that Defendants adhere to what Defendants have voluntarily agreed to do.

A separate order will issue. The motion (D.I. 763) is RESOLVED.

Entered this 14th day of January 2022.

/s/ Richard G. Andrews
United States District Judge